IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6380 of 2005

Between:

B. Nagendraiah S/o Ramaiah
Muchivolu Village, Srikalahasti Mandla, Chittoor District

... PETITIONER

AND

The Mandal Revenue Officer, Srikalahasti Chittoor District

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in trying to evict the petitioner from his lands i.e. an extent of Ac. 0.61 cents in S.No. 123-6A and Ac. 0-61 cents in S.No. 123-6B of Mutchivolu Village, Srikalahasti Mandal, Chittoor District as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent not to take any action against the petitioner without following the due process of law.

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondent No.: GP FOR ASSIGNMENTS

The Court at the stage of admission made the following:

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ORDER:

The petitioner was served with a notice dated 28-02-2005 issued by the respondent Mandal Revenue Officer alleging that the land in his possession to an extent of Ac.1.22 cents of Mutchivolu Village, Srikalahasti Mandal, vide DKT.No.5/4/1413 dated 27-07-2003 which was assigned to him is required for formation of passage and therefore calling upon him to show cause as to why the patta granted in his favour should not be cancelled.

The petitioner states that immediately thereafter, within the time granted by the respondent, he has submitted his explanation. However, the petitioner apprehends dispossession from the land in question even before any final order is passed, on the basis of the show cause notice issued by the respondent dated 28-02-2005. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Assignments appearing for the respondent, without expressing any opinion on merits, the writ petition is disposed of, with a direction to the respondent-Mandal Revenue Officer to consider the explanation submitted by the petitioner which is filed at page 11 of the material papers filed in this writ petition and pass appropriate orders, in accordance with law, if not already passed, and communicate the same to the petitioner. Till such time, the petitioner shall not be dispossessed from the land in question.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 25-03-2005

Note: Furnish C.C. by Monday.

B/o.

LSK

ASSISTANT REGISTRAR

To

1. The Mandal Revenue Officer, Srikalahasti Chittoor District

2. Two C.Cs. to the G.P. for Assignments, High Court Buildings, Hyderabad. (OUT)

3. Two C.D. copies.